

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOSHUA FLYNN, Individually and on Behalf)	Case No.: 1:19-cv-08209
of All Others Similarly Situated,)	
)	<u>CLASS ACTION</u>
Plaintiff,)	
)	Honorable Virginia M. Kendall
vs.)	
)	
EXELON CORPORATION, et al.,)	
)	
Defendants.)	
)	
_____)	

JOINT MOTION TO SET A BRIEFING SCHEDULE ON PLAINTIFF'S MOTION TO
COMPEL PRODUCTION OF THIRD PARTY JOELE FRANK DOCUMENTS BEING
WITHHELD OR REDACTED BY DEFENDANT EXELON

Lead Plaintiff Local 295 IBT Employer Group Pension Trust Fund (“Plaintiff”), and Defendant Exelon Corporation (“Exelon” and with Plaintiff, the “Parties”), by and through their undersigned counsel, respectfully request that the Court enter an Order setting a briefing schedule for Plaintiff’s Motion to Compel Production of Third Party Joele Frank Documents Being Withheld or Redacted by Defendant Exelon (the “Motion”).

In support thereof, the Parties state as follows:

1. On December 3, 2021, Plaintiff served a subpoena on third party Joele Frank Wilkinson Brimmer Katcher (“Joele Frank”).

2. Pursuant to an agreement between Exelon and Joele Frank, counsel for Exelon reviewed certain otherwise responsive documents identified during Joele Frank’s review and requested that Joele Frank withhold those documents from production on the ground that they are protected by the attorney-client privilege and/or the work product doctrine. Those documents were reflected on a privilege log served on June 17, 2022.

3. Plaintiff challenged these privilege and work product assertions. The Parties subsequently met and conferred and exchanged correspondence outlining their respective positions, and the Parties agreed that Exelon would conduct a supplemental review of the documents listed on the Joele Frank privilege log and produce an amended privilege log, which it did on September 14, 2022. The Parties again met and conferred regarding their respective positions.

4. On March 23, 2023, Plaintiff filed its Motion, which seeks to compel the production of documents on the amended Joele Frank privilege log.

5. Exelon believes that the nature of the dispute warrants briefing. Accordingly, the Parties met and conferred regarding Exelon’s position and a briefing schedule. Plaintiff does not oppose briefing in accordance with the schedule proposed below.

6. The Parties agree that Exelon should have until April 6, 2023, to respond to the Motion, and that Plaintiff should have until April 14, 2023, to file a reply in further support of its Motion. The Parties further agree that any hearing on the Motion should be set for a date following the completion of the aforementioned briefing.

ACCORDINGLY, the Parties respectfully request that the Court enter an Order setting a deadline of April 6, 2023, for Exelon to respond to the Motion, setting a deadline of April 14, 2023, for Plaintiff to file a reply, and scheduling a hearing on the Motion for a date following the filing of Plaintiff's reply.¹

DATED: March 23, 2023

Respectfully submitted,

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¹ Pursuant to this Court's policies, a Word version of a proposed order is being concurrently submitted to the Court's proposed orders inbox.

DATED: March 23, 2023

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on March 23, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

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Mailing Information for a Case 1:19-cv-08209 Flynn v. Exelon Corporation et al

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Manual Notice List

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